

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ROBERT WEINSTEIN,

Plaintiff,

Case No. 12-12923

Honorable Thomas L. Ludington

v.

CHRISTOPHER GEYER,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Robert Weinstein filed a complaint alleging that Christopher Geyer knowingly and wrongfully misappropriated, retained, and used Weinstein's property without permission. Geyer filed a motion for summary judgment on August 23, 2013. Previously, all pretrial matters in this case were referred to United States Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. § 636(b)(1).

On November 12, 2013, Judge Binder issued a report recommending that Geyer's motion for summary judgment be granted and the case be dismissed. Although Judge Binder's report explicitly stated that the parties to this action may object to and seek review of the recommendation within 14 days of service of the report, as of today's date, neither party has filed objections. The failure to object to Judge Binder's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Moreover, the failure to file objections to the report waives any further right to appeal. *See Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, it is **ORDERED** that the Judge Binder's report and recommendation, ECF No. 28, is **ADOPTED**.

It is further **ORDERED** that Geyer's motion for summary judgment, ECF No. 25, is **GRANTED**.

It is further **ORDERED** that the complaint, ECF No. 1, is **DISMISSED** with prejudice.

Dated: December 3, 2013

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 3, 2013.

s/Tracy A. Jacobs
TRACY A. JACOBS